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EXAMINER

CHANG, YEAN HSI

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/737,051
Filing Date: December 16, 2003
Appellant(s): DELUGA, RONALD E.

Tait R. Swanson
Reg. No. 48,226
For Appellant

Revised EXAMINER'S ANSWER

This is in response to the appeal brief filed Aug. 2, 2005 appealing from the Office
action mailed Feb. 1, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-11 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al. (US 5,764,477).

Ohgami teaches a component mount (fig. 9) for a computer (fig. 1), comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in 10A) and an unlatched configuration (shown in fig. 10B), a lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading to an inwardly angled structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the inwardly angled structure, whereat a mating angled structure (better shown in fig. 5) of the boss is retainable against the inwardly angled structure (shown in fig. 18B) (claim 7); wherein the inwardly angled structure comprises a notch (67, fig. 10A) (claim 8); wherein the mating angled structure comprises an outwardly extending tab (portion between 65 and 67, fig. 10A; not labeled) (claim 9); wherein the inwardly angled structure and the mating angled structure comprise substantially flat abutment surfaces (60 and 35b) that are substantially angled relative to a direction (left-right in figs. 11) of movement between the inwardly angled structure and the mating angled structure

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(claim 10); wherein the boss comprises a curved engagement surface (surrounding surface of 42 being curved, fig. 9) disposed against the sloped structure (shown in fig. 18B) (claim 11); and wherein the inwardly angled structure of the lifter is configured to block movement of the boss from the lifted position to a recessed position (61), (claim 36).

3. Claims 14-17 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al.

Ohgami teaches a removable computer component (31, fig. 9) comprising: a component housing (32, fig. 9) insertable into a receptacle (17, fig. 9) of a computer chassis (5, fig. 9), and a component mount (fig. 9) partially disposed on the component housing and partially mountable in the computer chassis, the component mount comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in fig. 10A) and an unlatched configuration (shown in fig. 10B), a lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading an angled retention structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the angled retention structure (67, fig. 10A), whereat a mating angled structure of the boss is retainable against the angled retention structure (shown in fig. 18B) (claim 14); wherein the component housing comprises a battery module (see col. 8, lines 19-20) (claim 15); wherein the angled retention structure comprises a notch (67, fig. 10A), and the mating angled structure comprises an outwardly extending tab (42, fig. 9) (claim 16); wherein the angled retention structure and the mating angled structure comprise substantially parallel abutment surfaces (60 and 35b) (claim 17); and

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wherein the angled retention structure of the lifter is configured to block movement of the boss from the lifted position to a recessed position (61) (claim 37).

4. Claims 22-27 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al.

Ohgami teaches a computer chassis (5, fig. 9) comprising: a recessed structure (17, fig. 9) adapted to receive a computer component (31, fig. 9), a component mount (partially shown in fig. 9) partially positioned in the recessed structure and partially mountable to the computer component, the component mount comprising: component latch (55, fig. 10A) movable between a latched configuration (shown in fig. 10A) and an unlatched configuration (shown in fig. 10B), an lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading to an angled retention structure (66, fig. 10A), and a boss (42, fig. 9) movable along the sloped structure to a lifted position (shown in fig. 18B) at the angled retention structure, whereat a mating angled structure (shown in fig. 5, not labeled) of the boss is retainable against the angled retention structure (shown in fig. 18B) (claim 22); wherein the recessed structure is disposed within a portable computer housing (4, fig. 3) (claim 23); a motherboard (11, fig. 4) and a processor (inherent feature not shown) mounted the motherboard (claim 24); a display (3, fig. 1) coupled to a component housing (5, fig. 1) having the recessed structure (claim 25); wherein the recessed structure comprises battery connectors (25, fig. 3) engageable with mating connectors (38, fig. 3) of the computer component (claim 26); wherein the angled retention structure comprises a notch (67, fig. 10A), and the mating angled structure comprises an outwardly extending tab (42, fig. 5) (claim 27); and wherein the angled

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retention structure of the lifter is configured to block movement of the boss from a lifted position (fig. 11B) to a recessed position (fig. 11A) (claim 40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a component mount (fig. 9) for a computer (fig. 1), comprising: a component latch (55, fig. 10A) movable between a latched configuration (shown in 10A) and an unlatched configuration (shown in fig. 10B), a boss (42), a lifter (59, fig. 10A) engageable with the boss to move a component (31) to a lifted position (fig. 5) in the unlatched configuration, wherein the boss comprise a retention structure (42, fig. 5) retainable against a mating retention structure (67) of the lifter to retain the component in the lifted position (claim 1); wherein the retention structure and the mating retention structure comprises angled abutment surfaces (35b and 60) (claim 2); wherein the angled abutment surfaces comprise a notch and a tab (67 and 42) (claim 3); wherein the angled abutment surfaces are substantially parallel to one another (fig. 5) and are substantially perpendicular to a direction (left-right figs. 11) of movement between the retention structure and the mating retention structure (claim 4); wherein the lifter comprises at least one angled surface (67) leading to the mating retention structure

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(claim 5); wherein the boss comprises a curved engagement surface (surface of 42) disposed against the at least one angled surface (fig. 11B) (claim 6); wherein the mating retention structure of the lifter is configured to block movement of the plurality of bosses from the lifted position to a recessed position (61) (claim 33); wherein the lifter comprises a lift tab (64) (claim 34); wherein the lift tab comprises a substantially flat recessed surface (67), which is configured to support the boss when the component is in the lifted position (fig. 11B) (claim 35).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

7. Claims 20-21 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a removable computer component (31, fig. 9) comprising: a component housing (32, fig. 9) insertable into a receptacle (17, fig. 9) of a computer chassis (5, fig. 9), and a component mount (fig. 9) partially disposed on the component housing and partially mountable in the computer chassis, the component mount comprising: a latching mechanism (55, fig. 10A) movable to latch and unlatched the component housing with the receptacle, a boss movable by a lifting mechanism (59, fig. 10A) to move the component housing to a lifted position (fig. 9), whereat retention

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structures (59) are engageable to support the component housing in the lifted position (claim 20); wherein the component housing comprises a battery module (see col. 8, lines 19-20) (claim 21); wherein the retention structures are configured to block movement of the boss from the lifted position to a recessed position (61) (claim 38); and wherein the retention structures comprise angled retention structures (see figs. 10).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

8. Claims 29-32 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al.

Ohgami teaches a computer chassis (5, fig. 9) comprising: a recessed structure (17, fig. 9) adapted to receive a computer component (31, fig. 9), a component mount (partially shown in fig. 9) partially positioned in the recessed structure and partially mountable to the computer component, the component mount comprising: a latching mechanism (55, fig. 10A) adapted to latch and unlatch the computer component with the recessed structure (figs. 6 and 9), and a boss movable by a lifting mechanism (59, fig. 10A) to move the component housing to a lifted position (shown in fig. 18B), whereat retention structure (59) are engageable to support the component housing in the lifted position (claim 29); wherein the recessed structure is disposed within a portable

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computer housing (4, fig. 3) having a panel display (14) (claim 30); wherein the recessed structure comprises battery connectors (25, fig. 3) engageable with mating connectors (38, fig. 3) of the computer component (claim 31); wherein the retention structure comprises a notch (67, fig. 10A), and an outwardly extending tab (42, fig. 5) (claim 32); wherein the retention structure comprises angled retention structure (see figs. 10) (claim 41); and the retention structure is configured to block movement of the boss from the lifted position to a recessed position (fig. 11A) (claim 42).

Ohgami fails to teach a plurality of bosses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ohgami with more than one boss and associated features of the lifter for preventing tilting of the component when the component being mounted, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP §2144.04 VI, B.

(10) Response to Argument

Regarding independent claim 7

The argument states (starting line 16 page 8) that the independent claim 7 ("1" is an error in the Brief) recites a component mount for a computer comprising: "a lifter having a sloped structure leading to an inwardly angled structure" and "a mating angled structure of the boss", and that neither the convex portion 42 nor the cavity 67 disclosed in the Ohgami reference can be considered the angled structures recited in claim 7.

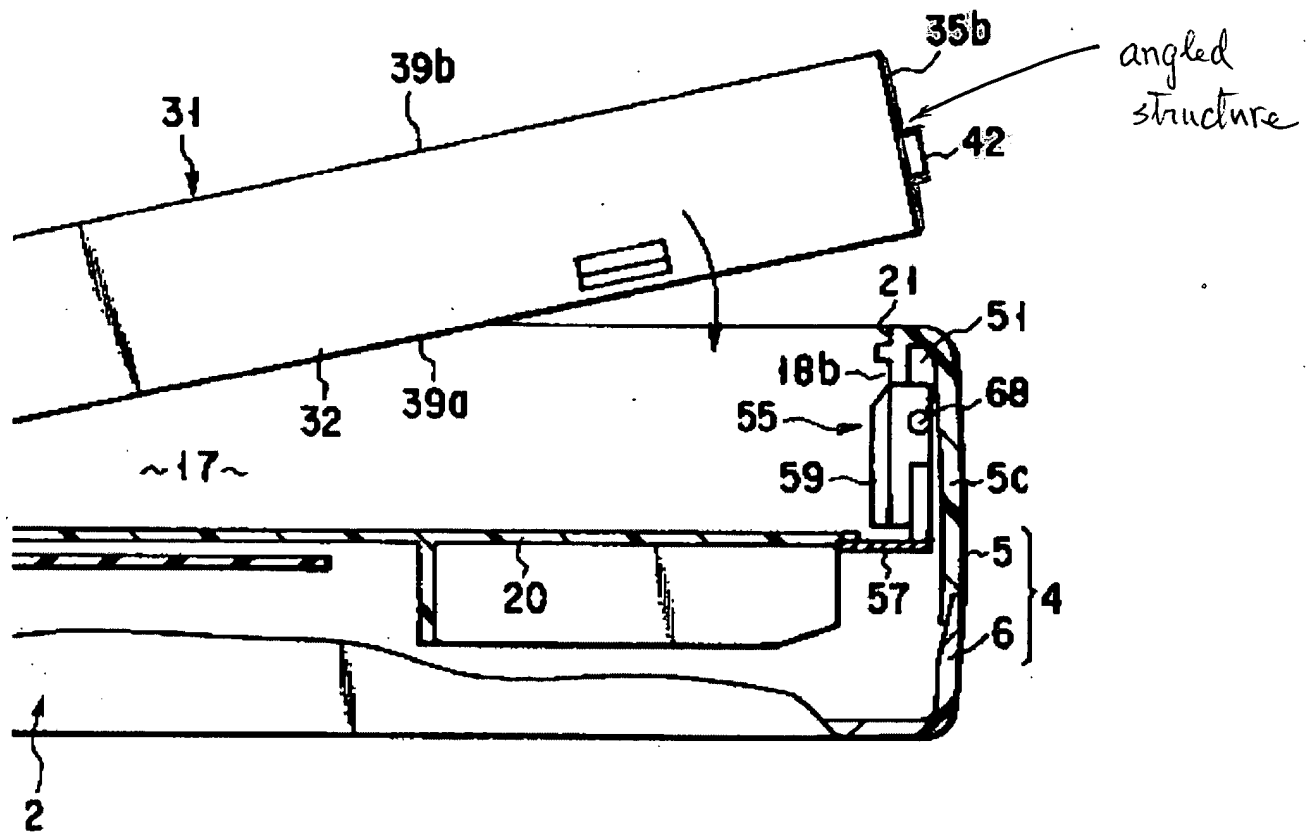
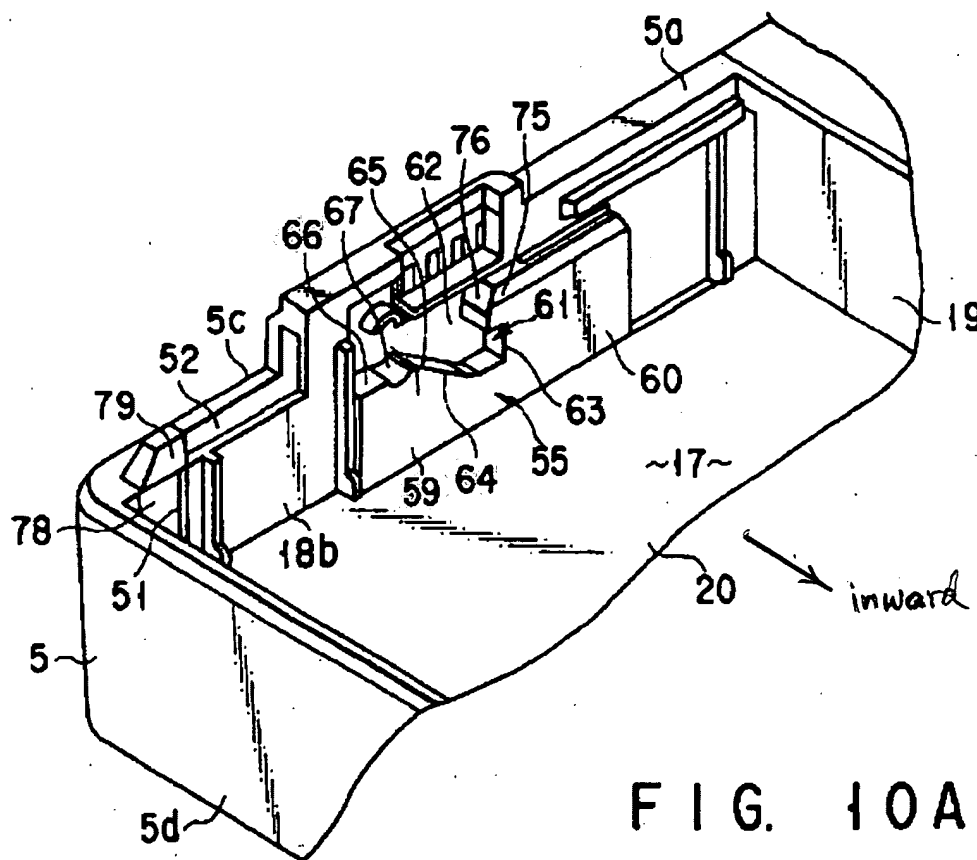


FIG. 5



The Ohgami et al. reference discloses a component mount (fig. 9) for a computer (fig. 1), comprising: ... a lifter (59, fig. 10A) having a sloped structure (64, fig. 10A) leading to an inwardly angled structure (portion of 66, fig. 10A), and ... a mating angled structure (the angled structure at the lower end of boss 42, better shown in fig. 5) of the boss ... as indicated in the rejection. It is exactly the same portion of the apparatus as claimed in claim 7 of the current application. Appellant asserts that "neither the convex portion 42 nor the cavity 67 disclosed in the Ohgami reference can be considered the angled structures recited in claim 7". In the rejection, the angled structure of extension 66 of the lifter, facing the inside of the housing, is considered as the inwardly angled

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structure (highlighted portion in attached fig. 10A) recited in claim 7. Therefore, the rejection is proper.

Regarding dependent claim 10

The argument states that (starting line 19 page 9) the dependent claim 10 recites the component mount of independent claim 7, wherein the inwardly angled structure and the mating angled structure comprise substantially flat abutment surfaces that are substantially angled relative to a direction of movement, and that (starting line 27 page 9) neither the convex portion 42 nor the concave cavity 67 (which were cited by the Examiner) can be considered to be substantially angled relative to the direction of movement as recited in claim 10.

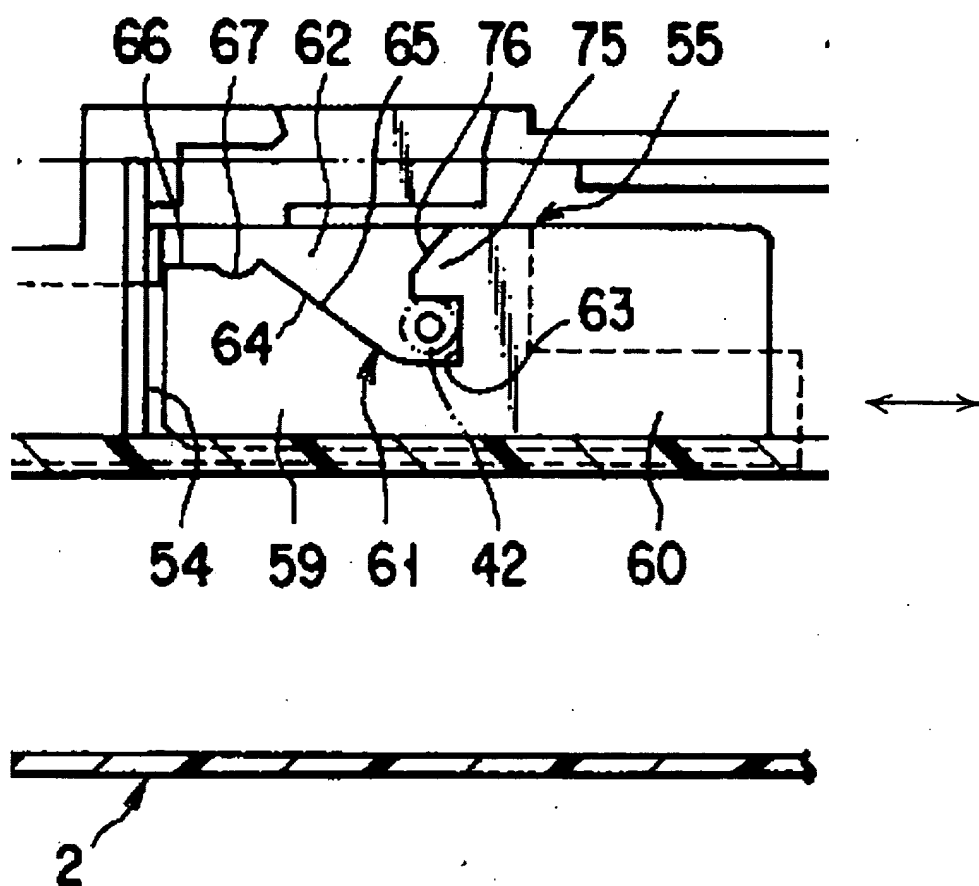


FIG. 11A

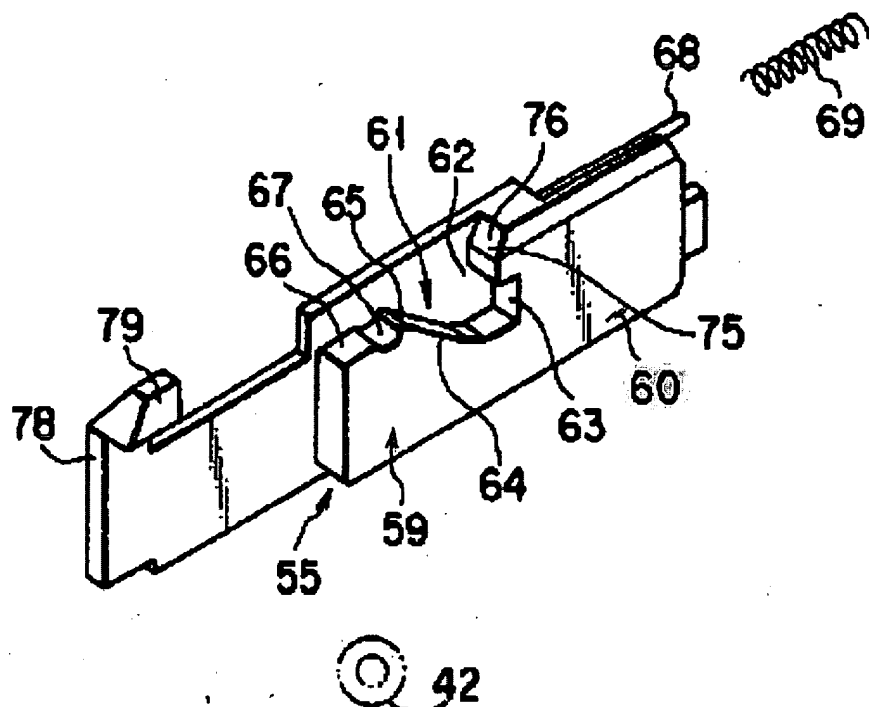


FIG. 17

The rejection states "wherein the inwardly angled structure and the mating angled structure comprise substantially flat abutment surfaces (60 and 35b) that are substantially angled relative to a direction (left-right in fig. 11) of movement between the inwardly angled structure and the mating angled structure". Elements 42 and 67 pointed out in the argument, are not cited by the Examiner in this rejection. The cited surfaces 60 (fig. 17) and 35b (fig. 5) are substantially flat, abutting to each other, and angled to a direction of movement just as claimed in claim 10. Therefore, the rejection is proper.

Regarding independent claim 14

The argument states that (starting last line page 9) independent claim 14 recites a lifter having a sloped structure leading to an angled retention structure ... and a boss movable along the sloped structure to a lifted position at the angled retention structure,

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whereat a mating angled structure of the boss is retainable against the angled retention structure, and that Ohgami reference fails to anticipate independent claim 14.

It is similar to the recitation of claim 7 with "inwardly angled structure" replaced by "angled retention structure". The structure 66 of Ohgami reference has angled portion and retention portion 67 as shown in fig. 10A, so that it is an angled retention structure. Therefore, the rejection of claim 14 is also proper.

Regarding dependent claim 17

The argument states that (starting last 6th line page 11) dependent claim 17 ("10" is an error in the Brief) ... recites the angled retention structure and the mating angled structure comprise substantially parallel abutment surfaces, and that the convex portion 42 and the concave cavity 67 (which were cited by the Examiner) can not be considered to be substantially parallel to one another.

The rejection states, "wherein the angled retention structure and the mating angled structure comprise substantially parallel abutment surfaces (60 and 35b)". Elements 42 and 67 pointed out in the argument, are not cited by the Examiner in this rejection. The cited surfaces 60 and 35b are substantially flat and abutting to each other just as claimed in claim 17. Therefore, the rejection is proper.

Regarding independent claim 22

The argument states that independent claim 22 recites (starting last line page 12) "a lifter having a sloped structure leading to an angled retention structure" and "a boss movable along the sloped structure to a lifted position at the angled retention structure, whereat a mating angled structure of the boss is retainable against the angled retention

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structure", and that (starting 5th line page 13) the Ohgami reference does not disclose the above-recited claim features.

This argument is similar to the argument of independent claim 14. Response to this argument would be the same as to claim 14, so the rejection of claim 22 is also proper.

Regarding claims 1-6, 20-21, 29-32, 33-35, 38-39, and 41-42

The Argument asserts that (starting 5th line page 15) the Examiner has misapplied ... the M.P.E.P. to establish a *per se* rule that duplication of parts involves only routine skill in the art. In contrast, the Board has recently made it clear that the both M.P.E.P. §2144.04 and *In re Harza* (the case upon which M.P.E.P. §2144.04(VI)(B) is based) does not establish a *per se* rule that duplication of parts is obvious. ... see *In re Ochiai*, 37 U.S.P.Q.2d 1127, 1133 (Fed. Cir. 1995) (holding that "reliance on *per se* rules of obviousness is legally incorrect and must cease.").

Actually, the Appellant has misapplied the conclusion of *In re Ochiai* case, because the conclusion is based on "a conventional process being limited to making or using a non-obvious product." In the contrary, *In re Harza* (the case upon which M.P.E.P. §2144.04(VI)(B) is based) involves with duplication of mechanical ribs, which provides good example of evidence of obviousness of duplication of a plurality of mechanical bosses, since it has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. M.P.E.P. §2144.04(VI)(B).

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Regarding dependent claims 2, 4, 39 and 41

The argument asserts that the Ohgami reference does not disclose or suggest: (starting 14th line page 17) "the retention structure and the mating retention structure comprises angled abutment surfaces" as cited in claim 2; (starting 9th line page 18) "the angled abutment surfaces are substantially parallel to one another and are substantially perpendicular to a direction of movement between the retention structure and the mating retention structure" as cited in claim 4; (starting 3rd line page 19) "the retention structures comprise angled retention structures" as cited in claim 39; and (starting last 4th line page 19) "the retention structures comprise angled retention structures" as cited in claim 41.

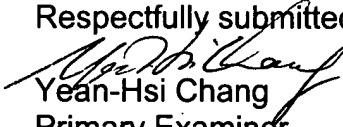
All the features cited in claims 2, 4, 39 and 41 can be founded in sections 6-8 of Grounds of rejection hereinabove, such as angled abutment surfaces 35b and 60 being substantially parallel to each other and substantially perpendicular to the direction of movement between the retention structure and the mating retention structure.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



Yean-Hsi Chang
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